

**BEFORE THE APPEALS BOARD
FOR THE
KANSAS DIVISION OF WORKERS COMPENSATION**

CHRISTINA K. MAUS (DECEASED)
Claimant

VS.

**KENNETH RICHARD KIMBELL, D/B/A
KIMBELL SMALL ANIMAL HOSPITAL**
Respondent

AND

INSURANCE COMPANY UNKNOWN
Insurance Carrier

AND

KANSAS WORKERS COMPENSATION FUND

Docket No. 148.106

ORDER

On the 22nd day of February, 1994, the application of the respondent for review by the Workers Compensation Appeals Board of a Preliminary Hearing Order entered by Administrative Law Judge John D. Clark dated January 12, 1994, came on for oral argument by telephone conference.

APPEARANCES

Claimant appeared by her attorney, Roger C. Kidd, of Wichita, Kansas. Respondent appeared by his attorney, Frederick L. Haag, of Wichita, Kansas. The Kansas Workers Compensation Fund appeared by its attorney, Andrew E. Busch, of Wichita, Kansas. There were no other appearances.

RECORD

The record in this case consists of the documents on file with the Division of Workers Compensation including the transcript of the preliminary hearing held on January 12, 1994, before Administrative Law Judge John D. Clark and the exhibits attached thereto.

ISSUES

Prior to the commencement of oral argument concerning the facts of this application for review filed by the respondent, the parties agreed that at the conclusion of the preliminary hearing which took place on January 12, 1994, Administrative Law Judge John D. Clark requested that the claimant's attorney, Roger C. Kidd, draft an order holding the respondent, Kenneth Richard Kimbell, in contempt. As of the date of the oral argument before the Appeals Board, such order had not been drafted and such order had not been

signed as a final order by Administrative Law Judge John D. Clark.

FINDINGS OF FACT AND CONCLUSIONS OF LAW

Based upon the evidence presented and for purposes of preliminary hearing, the Appeals Board finds as follows:

(1) Administrative Law Judge John D. Clark has not signed an Order holding the respondent, Kenneth Richard Kimbell, in contempt. This appeal is accordingly premature.

AWARD

WHEREFORE, it is the finding, decision and order of the Appeals Board that the Administrative Law Judge John D. Clark has not signed and entered an Order holding the respondent, Kenneth Richard Kimbell, in contempt and therefore, the Appeals Board has no order to review. This appeal should therefore, and is hereby dismissed.

IT IS SO ORDERED.

Dated this _____ day of March, 1994.

BOARD MEMBER

BOARD MEMBER

BOARD MEMBER

cc: Roger C. Kidd, 310 W Central, Ste 104, Wichita, Kansas 67202
Frederick L. Haag, 700 Fourth Financial Center, Wichita, Kansas 67202
Andrew E. Busch, 1540 N Broadway, Ste 205, Wichita, Kansas 67214
John D. Clark, Administrative Law Judge
George Gomez, Director